

NO BAN TO SEAFARERS DEPLOYMENT; ANTI-PIRACY TRAINING MUST BE STRENGTHENED

JMG NEWS 001-11
20 January 2011

The Philippine government is taking measures to minimize the exposure of Filipino seafarers to pirate attacks and piracy risks.

In an advice to the Joint Manning Group, the government reminded the Group that they must ensure the proper conduct and facilitation of shore-based training to improve knowledge and skills of seafarers they deploy. These seafarers must know how to carry out risk assessment, understand piracy threats and current patterns, physically prepare the vessel for a pirate attack, know what to do during transit in a high risk zone, and what actions to take when encountering pirates. (See POEA Memorandum Circular 12-09 mandating piracy training to all seafarers)

Undersecretary Conejos in updating the Group on the results of the government meeting assured the JMG leadership that the government will not ban the deployment of seafarers. He emphasized that manning companies must intensify piracy training and awareness to all seafarers prior to deployment.

The Philippine government stressed the importance of arrangements which manning agents must make with their shipping principals to ensure that merchant marine vessels travel only along the maritime security patrol area, or "safety corridor", along the Gulf of Aden. This is the only way they can maximize assistance extended by the multinational coalition naval task force patrolling the area.

Filipino seafarers man close to 30% of the world's merchant fleet. The Gulf of Aden is an important navigational area for international vessels transiting from Asia to Europe. It is the most direct route between these two points passing through the Suez Canal. The alternative route for vessels would be the Cape of Good Hope which would add at least 14 days of steaming time making it much more expensive to transport goods. Source: JMG

BRAZIL AUTHORITIES SUSPEND IMPOSITION OF FINES IN SUAPE AND RECIFE ON NON- COMPLYING SEAFARERS ON ILO 108/185

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Brazilian authorities have agreed to suspend the implementation of immigration fines against ship owners whose seafarers are from countries which are not signatories to ILO C108 (Seafarers Identification Document Convention 1958) or C185 (Seafarers Identification Document Convention 2003).

In a circular issued to all P&I Clubs by Mario Brothers, Ltd. it was stated that "Recife Immigration Authorities received formal instructions from the Federal Police headquarters in Brasilia this afternoon (21 January 2011) to SUSPEND all the deeds of infringements against crewmembers with seaman's books issued in countries not signatory of ILO 108 and 185. Future vessels will also not be fined until authorities in Brasilia make a formal definitive decision."

In December 2010, Brazilian authorities in the ports of Suape and Recife started imposing immigration fines and restrictions on seafarers from countries which are not signatories to ILO

C108 or C185. These seafarers were prohibited from disembarking from their ships and entering Brazilian ports and immigration fines were levied from ship owners supplying these foreign seafarers. The fines amounted to BRL 827,000 or about USD 500.00 for every non-complying crewmember.

According to Mario Brothers Ltd., P&I Clubs of Brazil together with local port agents negotiated with Brazil's Chief of Immigration to resolve the issue which has created political reactions for countries affected.

The Philippines has not ratified C108 or C185 thus exposing foreign ship owners and their Filipino crew members to sanctions. The JMG has made strong representations with the different Philippine government agencies, particularly the Maritime Industry Authority, the Department of Labor and Employment and the Department of Foreign Affairs, in order to help resolve the problem and move towards the early ratification of C185 by the Philippine Senate. C185 is the current convention of the ILO which remains to be ratified by the Philippine Senate. Source: P&I CORRESPONDENTS WILLIAMS BROTHERS – BRAZIL

INDUSTRY UPDATES

DOLE SIGNALS GO FOR THE IMPLEMENTATION OF THE STCW MANILA AMENDMENTS

MTC, a DOLE attached agency, spearheads the implementation of the Manila Amendments to the STCW Convention and Code.

Last June of 2010, the IMO Diplomatic Convention held at PICC Manila adapted the changes to the 1995 Standards for Training Certification and Watchkeeping Convention

and Code. The STCW is the internationally-set yardstick on training, certification and watchkeeping for seafarers. Countries involved in the shipping trade are obliged to either meet or exceed the provisions of these conventions.

The Manila amendments changed the 1995 standards significantly. New training requirements were identified including, training in modern technology such as electronic charts and information systems or ECDIS, marine environment awareness, leadership, and teamwork. The revision/updating of several requirements were also made including, to name a few, the requirement on hours of work and rest, competence of personnel serving onboard tanker vessels, requirements for security and anti-piracy training, and new requirements for drug and alcohol abuse prevention and improved standards on seafarers' medical fitness. The amendments also set new certification requirements for able seafarers and electro-technical officers.

The Manila STCW Amendments is set to enter into force in January 1, 2012 and be fully implemented five years later in 2017.

DOLE Secretary Rosalinda Dimapilis- Baldoz said that DOLE is targeting for the full implementation of the Amendments before it comes into force. The Philippine Maritime industry including the manning and labor sector will be jointly involved in fleshing-out this plan.

The Maritime Training Council (MTC) has stepped into the first phase of the implementation as they have started reviewing national policies and legislations to ensure that they would not fall short of what is provided under the requirements of the Amended STCW. Among their immediate plans as well is to conduct nation-wide information dissemination on the amended convention in partnership with the manning sector.

The early implementation of the STCW amendments is a fitting way to maintain the Philippine's lead when it comes to supplying seafarers for ocean-trading vessels; a non-losing strategy to boost our seafarers' competence and employability. Source: DOLE

REVISITING THE SEPARATE SEC FOR CRUISE SHIP WORKERS

The JMG is pushing for the resumption of discussions on the creation of a separate standard employment contract for cruise ship workers. In a letter to POEA Administrator, Carlos S. Cao, Jr., JMG cited the need for a separate contract in recognition of the differing labor standards and working conditions that these workers are exposed to compared to those of seafarers employed in the ship's technical departments.

In 2008, the Filipino Association for Mariners' Employment, Inc. (FAME), a member-association of the JMG, proposed to the POEA for the creation of a separate contract of employment for seafarers working on cruise vessels. In May, 2009 during the first JMG-sponsored Cruise Manning Forum, our government representatives committed to our foreign principals who attended the forum that they would work towards the preparation and eventual issuance of a Standard Employment Contract for Cruise Ship Workers

In 2010 much of the attention of the government and the private sector was focused on the creation of acceptable regulations to implement the amendments to the Migrant Workers Act (Republic Act No. 10022) and the incorporation of these changes into the Standard Employment Contract. Considering that the work on these two major documents has been completed, the JMG members believe that it is time to revisit the work on the Standard Employment Contract for Cruise Ship Workers. JMG has appointed the members of

FAME's Cruise Committee to work on the project. Source: JMG

JMG GIVES COURTESY CALL TO NEW POEA ADMINISTRATOR CARLOS CAO

On 06 January, 2011, Atty. Carlos S. Cao, Jr. was appointed by President Benigno Simeon "Noynoy" Aquino as Administrator of the Philippine Overseas Employment Administration (POEA).

The Joint Manning Group welcomed the appointment and the members of the JMG met with Administrator Cao last 24 January 2011 at the EDSA Plaza Shangri-La Hotel.

During the meeting the JMG members briefed the administrator on the projects of the Group and cited the good working relationship which JMG has had with the POEA over the past years. They also showed him the plans and projects which the JMG has successfully pursued with the POEA in ensuring the continued employment of our Filipino seafarers.

Administrator Cao expressed his willingness to partner with the industry, particularly the JMG, on the projects, plans, and programs which he would like to implement for the industry. He recognized the necessity of maintaining the good relationship which the industry has with the government particularly his agency so that projects, plans and programs to improve the industry can be carried out easily and efficiently. Source: JMG

JMG ORGANIZATIONAL NEWS

Last 12 January 2011, JMG held a Special Organizational Meeting which resulted to the reorganization of Joint Manning Group (JMG) officers and Board of Directors.

Based on the meeting, Mr. Eduardo U. Manese is still to head the JMG as agreed upon by the members of the JMG Board of Directors. Ms. Josephine J. Francisco was also reelected in her post as JMG's Treasurer. New to their posts were Mr. Pedro Miguel F. Oca who was elected Vice-President and Co-Chairman; and Mr. Dario Alampay who was elected as the new Board Secretary.

The composition of the JMG 2011 Board of Directors remains the same with the following Directors:

1. Dario R. Alampay (FSA)
2. Atty. Imelda L. Barcelona (PAMAS)
3. Gerardo A. Borromeo (FSA)
4. Josephine J. Francisco (FAME/PJMCC)
5. Jose Albar G. Kato (FAME)
6. Engr. Sammuel T. Lim (FAME)
7. Eduardo U. Manese (PJMCC)
8. Ericson M. Marquez (FAME)
9. Atty. Vincent C. Miranda (INTERMAP)
10. Pedro Miguel F. Oca (PAMAS)
11. Capt. Teodoro B. Quijano (FAME/PJMCC)
12. Capt. Emmanuel L. Regio (PAMAS)
13. Mr. Marlon R. Roño (FAME)

During the same event, the JMG PR Committee was also created with the initial project of establishing the JMG Bulletin and JMG News. The following compose the committee:

1. Mr. Marlon R. Roño – Committee Chair
2. Engr. Sammuel T. Lim – Committee Co-Chair
3. Mr. Gerardo A. Borromeo – Member
4. Mr. Jose Albar G. Kato – Member
5. Atty. Vincent C. Miranda – Member

6. Atty. Rodello B. Ortiz – Member
7. Mr. Jonathan M. Palma – Member

Atty. Rodello B. Ortiz was also officially proclaimed as the new Chairman for the Joint Legal Committee. Former Committee Chairman Atty. Vincent C. Miranda will hold the position of Committee Co-Chairman. The members of said Committee are as follows:

1. Atty. Imee L. Barcelona - Member
2. Atty. Federico R. Agcaoili – Member
3. Augusto Y. Arreza-Member
4. Atty. Josephine J. Uianza- Member
5. Atty. Karla Grace J. Deles- Member
6. Atty. Ludivina A. Roque- Member
7. Capt. Reynaldo D. Casareo- Member
8. Mr. Alvin A. Bala- Member

Source: JMG

JMG SUPPORTS THE CREATION OF THE MITC

JMG NEWS 003-11
07 February 2011

On 26 January 2010 twenty-four (24) representatives comprising a tripartite body with representatives from the Government, the employers group and the maritime labor unions signed a Memorandum of Agreement creating the Maritime Industry Tripartite Council or MITC.

The tripartite body had representatives coming from the Department of Labor and Employment (DOLE), the Associated Marine Officers and Seafarers Union of the Philippines (AMOSUP) for the maritime labor sector, the Philippine Interisland Shipping Association (PISA) for the domestic shipping sector, and the Joint Manning Group (JMG) for the overseas shipping sector.

The Government Sector was led by DOLE Secretary, Rosalinda Dimapillis-Baldoz.

The individual member-associations under the Joint Manning Group also participated in the MOA signing. The Group was led by its Chairman, Eduardo U. Manese, who also represented the Philippine-Japan Consultative Council (PJMCC). Other members of the JMG who were present were Ericson M. Marquez, President of the Filipino Association for Mariners' Employment Inc. (FAME), Dario R. Alampay, President of the Filipino Shipowners' Association (FSA), Mr. Pedro Miguel F. Oca, President of the Philippine Association of Manning Agencies and Shipmanagers, Inc. (PAMAS), and Atty. Vincent C. Miranda, President of the International Maritime Association of the Philippines (INTERMAP).

The Maritime Industry Tripartite Council is a consultative body which will serve as the forum to address specific maritime labor and employment concerns. It will be responsible for establishing commitments and equally protect the interests of workers and concerned stakeholders. It will act as an advisory body to industry stakeholders in terms of policies and programs affecting labor and employment in the maritime industry.

U/Sec. Hans Leo J. Cacdac, undersecretary for the DOLE-Bureau of Labor Relations, led the creation of the council. He has incessantly encouraged the different parties to create a tripartite body to address concerns of the sea-based industry.

U/Sec. Cacdac explained that the creation of the MITC responds to the mandate given by Article 275 of the Labor Code of the Philippines (PD 442) in which 'tripartism' is institutionalized as a labor relations policy. The principle of tripartism is also found in ILO Convention C144 which has been ratified by the Philippines. This provides for the adoption of tripartism as a

state policy. EO 403 Series of 1990, as amended by EO 97 Series of 1999 repeats the same principle and allows for the creation of industrial tripartite councils. Finally, the 22-Point Labor and Employment Agenda of the present Administration under President Aquino reflects this in Point 5 citing the goal to "*work with the private and labor sector to strengthen tripartite cooperation and promote industrial peace*".

Usec. Cacdac stated that the MITC is likewise created in response to the need to institutionalize a tripartite approach for industry stakeholders to discuss maritime labor and employment issues toward the promotion of industrial peace. He cited the fact that the principle of 'tripartism' has long been practiced in the maritime industry because of the necessity to harmonize the interest and actions of government and the industry specially in terms of government policies and legislation, industry management practices, and seafarers' welfare and rights.

The effect of the tripartite approach has been very positive on the Philippine maritime industry and has allowed it to maintain its stability. Today, the Philippines is a major player in the global maritime industry and a driving force in the Philippine economy. As much as 25% of total worker deployment each year pertains to the maritime industry and as much as 30% of the world seafarer pool comes from the Philippines.

It is anticipated that the tripartite council will play a major role in pushing for the ratification of two key conventions of the ILO which the Philippines must urgently adhere to and implement. These conventions are the ILO Maritime Labor Convention (MLC) 2006 or the Seafarers' Bill of Rights and the ILO C185 also known as the Seafarer's Identification Document Convention 2003. Our government must urgently ratify these conventions and

create domestic legislation to implement these conventions.

It is hoped that with the creation of the tripartite council future action needed to address industry-specific issues can be facilitated. Source: JMG

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THE JOINT MANNING GROUP

is an umbrella organization of the five largest manning associations of the Philippines namely:



the Filipino Association for Mariners' Employment, Inc. (FAME), the Filipino Shipowners' Association (FSA), the International Maritime Association of the Philippines (INTERMAP), the Philippine Association of Manning Agencies and Shipmanagers, Inc (PAMAS) and the Philippine-Japan Manning Consultative Council (PJMCC)

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